

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

LIFE INSURANCE COMPANY OF
NORTH AMERICA,

Plaintiff,

v.

DEBRA A. BROWNING and
THERESA A. SCIMECA (Individually
and as Guardian of her minor child
Cody Browning),

Defendants.

Case No. 1:08-cv-00963

Honorable Samuel Der-Yeghiayan

THERESA A. SCIMECA'S MOTION TO DISTRIBUTE LIFE INSURANCE
PROCEEDS AND TO DISMISS PURSUANT TO SETTLEMENT

Theresa A. Scimeca, by her counsel, respectfully requests this Court distribute the life insurance proceeds deposited with the Clerk of the Court and to dismiss this action pursuant to the parties' settlement. In support, Theresa A. Scimeca states:

1. The Plaintiff, Life Insurance Company of North America, filed this interpleader action pursuant to Fed.R.Civ.P. 22 because of competing claims by Debra A. Browning and Theresa A. Scimeca to the proceeds of a life insurance policy of \$77,100. (D.E. #1.)

2. On April 2, 2008, this Court entered an Agreed Order wherein the Plaintiff was granted leave to deposit the proceeds of the life insurance policy with the Registry of the Court. (D.E. #28.)

3. Life Insurance Company of North America then deposited \$78,700.52 with the Clerk of the Court representing the proceeds of the life insurance policy with

interest.

4. The two Defendants, Debra A. Browning and Theresa A. Scimeca, have reached an agreement settling their competing claims to the proceeds of the life insurance policy at issue. Specifically, the two Defendants have agreed that the amount of \$11,000 shall be distributed to Debra A. Browning and the amount of \$67,700.52 shall be distributed to Theresa A. Scimeca. The parties have further agreed that they release their claims against each other.

5. Accordingly, Theresa A. Scimeca respectfully requests this Court enter an order directing the Clerk of the Court to disburse \$11,000 to Debra A. Browning and to disburse \$67,700.52 to Theresa A. Scimeca. Further, Theresa A. Scimeca respectfully requests this Court enter an order dismissing this cause of action pursuant to the parties settlement.

Wherefore, Defendant Theresa A. Scimeca respectfully requests this Court enter an order: (a) directing the Clerk of the Court to disburse \$11,000 to Debra A. Browning and to disburse \$67,700.52 to Theresa A. Scimeca; (b) dismissing this cause of action pursuant to the parties settlement; and (c) granting all other just and proper relief.

Respectfully submitted,

Theresa A. Scimeca

By: s/ Sanjay Shivpuri
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